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## Russian Federation

**Post:** Moscow

### Modified Draft: Phyto Control of Imported Planting Seeds

**Report Categories:**

Planting Seeds

Sanitary/Phytosanitary/Food Safety

WTO Notifications

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**Report Highlights:**

The Government of Russia (GOR) published a significantly modified draft of Russian Government Regulation (Resolution) on the quarantine phytosanitary control of imported planting seeds and planting materials, which initially was notified to WTO via G/SPS/N/RUS/131. The new period for public comments for the amended draft closes Dec 12, 2016. The regulation specifies the measures of control at places of production, processing and shipment of seeds and planting materials imported to Russia from foreign countries where the spread of specific quarantine objects (pests) was detected. The draft empowers the Federal Veterinary and Phytosanitary Surveillance Service (VPSS) to implement the phytosanitary control, and describes the procedures. Interested U.S. parties are encouraged to share comments and concerns to [AgMoscow@fas.usda.gov](mailto:AgMoscow@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by December 1, 2016.

## General Information:

On November 9, 2016, GOR posted for public comments a modified draft of Russian Government Regulation (Resolution) on the quarantine phytosanitary control of imported planting seeds and planting materials. The regulation was initially notified to WTO via [G/SPS/N/RUS/131](#) in August 2016. The United States has expressed concerns that the draft regulation, if implemented, would be extremely bureaucratic and cumbersome and would provide the Russian authorities very tight control and latitude not only at the ports of entry for inspection and testing/re-testing consignments, but also over exporting National Plant Protection Organizations (NPPOs).

The new draft regulation addressed some of the concerns of the US side: for example, it defined a 30-day deadline for the Russian phytosanitary surveillance agency to respond to the Application of the Russian importer requesting to determine the phytosanitary status of regulated articles. The Russian surveillance authority also takes responsibility to “make a decision on the imports of the examined regulated articles to the Russian Federation during the growing season”. However, the main concerns of the US side, that there are ambiguous parts of the regulation that could lead to inconsistent implementation and cause any given petition to be denied or deferred arbitrarily and make the process itself a potential trade barrier, have not been addressed. Moreover, the references to the International Plant Protection Convention (IPPC) standards were removed from the text of the draft. The draft introduced an additional, questionable procedure of collection, testing, and storing the samples of the regulated articles by the Russian surveillance agency and NPPOs of the exporting countries. Compared to the initial document, the new draft amended the requirement defining the procedure of the phytosanitary control by Russian authority at the places of production, and it contains a reduced list of international phytosanitary control standards to be applied. The draft also contains a sample application form and list of supporting documents, which will be required to initiate the procedure by the Russian side of the trade contract. The amended draft is open for public comments until Dec 12, 2016:

[Approval of the procedures for implementing quarantine phytosanitary control at the places of production \(including processing\) and shipment of regulated articles imported for planting and seeding from foreign states or a group of foreign states where the spread of quarantine objects common for such regulated articles is detected, in compliance with the international agreements of the Russian Federation](#)

Interested U.S. parties are encouraged to share their comments and/or concerns via e-mail to [AgMoscow@fas.usda.gov](mailto:AgMoscow@fas.usda.gov) For potential inclusion in the U.S. official position, please send your comments by December 1, 2016.

“ ” \_\_\_\_\_ 2016. No. \_\_\_\_\_  
Moscow

1. This procedure establishes rules for implementing quarantine phytosanitary control (surveillance) at the places of production (including processing) and shipment of the regulated articles imported for the purpose of planting and seeding from foreign states or groups of foreign states where the spread of quarantine objects (pests) common for such regulated articles is

detected, in compliance with the international agreements of the Russian Federation (hereinafter – the Procedure, Rules, control (surveillance) at the places of production).

2. Control (surveillance) at the places of production is conducted by the federal body of executive power which exercises functions of control (surveillance) in the sphere of plant quarantine (hereinafter – the surveillance agency).
3. Control (surveillance) at the places of production comprises a system of measures aimed at defining quarantine phytosanitary status of regulated articles, the places of production (including processing) of the regulated articles and places of shipment of the regulated articles intended for import to the Russian Federation (hereinafter – places of production, shipment).
4. The goal of exercising control (surveillance) at the places of production, shipment is to ensure that the regulated articles intended for import to the Russian Federation comply with the quarantine phytosanitary requirements of the Russian Federation.
5. Control (surveillance) at the places of production, shipment is implemented in relation to all quarantine objects (pests) common for a particular category of regulated articles at the places of its production, shipment.
6. In the course of control (surveillance) at the places of production, shipment the international standards on phytosanitary measures as well as regional standards, guidelines and/or guidance in the sphere of plant quarantine adopted by the European and Mediterranean Plant Protection Organizations (EMPPPO) are applied:

## **II. Procedure for Implementing Quarantine Phytosanitary Control (Surveillance) at the Places of Production, Shipment.**

7. Control (surveillance) at the places of production is conducted in the following cases.
  - 7.1. Submission of applications by the participants of the international trade to the surveillance agency for initiation of shipments of the regulated articles from the places of production, shipment located in foreign states or a group of foreign states (hereinafter – foreign state), whereas the information on their quarantine phytosanitary status is not available in the surveillance service.
  - 7.2. Submission of applications (invitations) from national plant protection organizations (hereinafter - NPPOs) of foreign states to the surveillance agency, including the new trade of the regulated articles or detection of systemic failures to comply with the quarantine phytosanitary requirements of the Russian Federation by persons, including individual entrepreneurs (including foreign citizens and persons without citizenship), Russian legal entities, foreign organizations, and NPPOs of foreign states .
8. The primary stages of implementing phytosanitary control (surveillance) are:  
preparatory – analysis of the available information;  
quarantine phytosanitary control (surveillance) per se.
9. During the preparatory stage, the surveillance agency reviews the following available information:
  - on quarantine phytosanitary control (surveillance) system of a particular state;
  - on arrangements of activities and organizational structure of NPPO of a particular state;
  - on functional capabilities of NPPO of a particular state;
  - on the availability of skilled personnel in NPPO of a particular state;

on the availability of material and technical resources, including diagnostic tools, in NPPO of a particular state;  
on regulatory and legal documentation and guidelines of a particular state in the sphere of plant quarantine and protection;  
on practices of using control procedures and monitoring systems envisaged in the said documentation;  
on quarantine phytosanitary status of the territory of a particular state;  
on the regulation of procedures for the notification of relevant international organizations  
on the presence of hot spots of quarantine objects (pests), quarantine phytosanitary areas;  
on the availability of bilateral and/or multilateral international agreements on plant quarantine between a particular state and other states and/or member states of the Eurasian Economic Union (EAEU);  
on notifications of the Russian Federation relating to a particular state and on emergency quarantine phytosanitary measures applied by the Russian Federation and/or other states.

The surveillance agency has the right to request other data from the NPPO of a foreign state or other competent authority of the exporting contracting party (hereinafter – contracting party) necessary for exercising quarantine phytosanitary control (surveillance).

10. As soon as the preparatory stage is completed, within 30 days after receiving the application (invitation) from the NPPO of the exporting country the surveillance agency will make a decision, based on the results of the information review (with completeness and sufficiency of justifications taken into consideration ), on exercising Control (surveillance) in the places of production.
11. The surveillance agency has the right to invite experts employed by state and interstate bodies and institutions (except interpreters) for their assistance on the following issues:
  - review of the legislation of a particular state in the sphere of assurance of plant quarantine, analysis of its assurance and effectiveness;
  - NPPO organizational structure and management of the NPPO;
  - application of quarantine phytosanitary procedures and monitoring systems set forth in the documents;
  - technologies of cultivation of crops, ornamental plants and forest crops, plant protection systems;
12. Quarantine phytosanitary control (surveillance) at the places of production, shipment envisages implementation of the following phytosanitary procedures:
  - examination, sampling and laboratory testing of the regulated articles for the purposes associated with the phytosanitary certification;
  - completion and release of phytosanitary certificates;
  - review of notifications of the Russian Federation related to a particular state and undertaking (if necessary) corrective measures;
  - ensuring phytosanitary safety of freight from the date of their phytosanitary certification to the date of their clearance;
  - conducting of examinations, monitoring and control of regulated articles and the territory of a foreign state to define phytosanitary status of the places of production, shipment. ;
  - undertaking necessary and/or prescribed, mandatory phytosanitary actions, their oversight or audit;

13. In the course of control (surveillance) at the places of production, shipment of the regulated articles, their quarantine phytosanitary condition is evaluated by making examinations, taking samples and laboratory testing of the articles.
14. The NPPO of the exporting country agrees with and cooperates to take three samples of substance containing soil, turf, and other organic materials of the regulated articles during the joint assessment of the integrity of application of the phytosanitary measures, conditions of the regulated articles, and places of production, shipment. The first sample shall be sent to organizations subordinate to the surveillance agency; the second sample shall be sent to laboratories of the NPPOs of the exporting country. The third sample is for arbitration procedures (stored at the surveillance agency). Officials from the surveillance agency collect samples in accordance with the procedure for sampling the regulated articles established by legislation of the Russian Federation in the sphere of plant quarantine.

Laboratory tests of the samples are conducted in the organizations subordinate to the surveillance authority.

Based on the results of the laboratory tests, the surveillance authority makes a decision on the imports of the examined regulated articles to the Russian Federation during the growing season. The NPPO of the exporting country, Federal Customs Service, regional directorates of the surveillance agency, and the applicant are notified of the results of the laboratory tests; the information also shall be displayed on the official website of the surveillance agency.

If quarantine objects (pests) are detected, import of contaminated regulated articles is restricted. In case of disagreement with NPPO of the exporting country, the sample for arbitration containing soil, turf, and other organic materials of the regulated articles shall be sent by the surveillance agency to an independent laboratory for plant quarantine. The decision on restarting the shipments of the regulated articles is taken by the surveillance agency in compliance with the provisions of the international standards.

15. Phytosanitary status of the regulated articles, destined for shipments to the Russian Federation from the foreign countries shall be determined for the regulated articles from the areas (places of production, shipment), which are not recognized or established as free from objects (pests) subject for quarantine in the Russian Federation.

If the free status of the areas (places of production, shipment) established by the NPPO of the exporting country is recognized, the NPPO of the exporting country submits official application to the surveillance agency with an annex containing Geo-images and maps of the areas (places of production, shipment) under review, buffer zones, natural barriers and impediments to spread of pests and other substances in accordance with provisions of international standards.

In case of the said condition, the quarantine phytosanitary control (surveillance) as described in the paragraphs 8-14 of the Article shall not be conducted.

16. Upon completion of the of the quarantine phytosanitary control (surveillance), the surveillance agency will compile a report on the quarantine phytosanitary control (surveillance) which contains a conclusion on the quarantine phytosanitary condition of the regulated articles or place of production, including the information on the capability of the system of quarantine phytosanitary control (surveillance) in the contracting party country to ensure compliance of the regulated articles and the regulated materials intended for import to the Russian Federation with the quarantine phytosanitary requirements of the Russian Federation.

The surveillance agency will deliver the draft report on quarantine phytosanitary control (surveillance) the competent authority of the contracting party country.

### **III. Specific Procedure of Quarantine Phytosanitary Control (Surveillance) at the Places of Production, Shipment after Applications from Participants of the International Trade.**

An application from the Russian side, participating in the international trade by submitting the recommended form, in accordance with the Annex to the Procedure, initiates the reviewing the phytosanitary status of the regulated articles.

The application shall be submitted on the official letterhead of the organization with a seal of the organization (if available).

The application from participants of the international trade to the surveillance agency must be accompanied with the following documents appropriately notarized or signed:

- copy of the contract (if available)

- copy of shipments schedule (if available)

The participant of the international trade must sign every page of the copy of the documents or all the pages of the documents must be bound and the last page of each document must be signed by the participant of the international trade.

The application shall be registered by the surveillance agency or the regional directorate of the surveillance agency on the day of its receipt.

The application and the accompanied documents shall be considered within 30 days from the date of the registration of the application and the documents by the surveillance authority.

The surveillance agency denies further consideration of the application in case it or its supporting documents contain wrong (false) information.

Annex to Procedure for Implementing  
Quarantine Phytosanitary Control at the  
Places of Production (including Processing)  
and Shipment of the Regulated Articles  
Imported for Planting and Seeding from  
Foreign States or a Group of Foreign States,  
where the Spread of Quarantine Objects  
(Pests) for Such Regulated Articles is  
Detected, in Compliance with the  
International Agreements of the Russian  
Federation

Recommended Sample Form

Application  
for defining the phytosanitary status of regulated articles

1. Full name, mailing address of the plant breeding center (shipment facility)

2. Full name and address of the consignee in the Russian Federation

3. Full name and address of the farm (consignee), where the regulated articles will be  
planted or seeded

4. Assortment, number of lots, and variety of the regulated articles, with volume of each  
lot

5. Planned checkpoint at the border of the Russian Federation

6. Point of Custom Clearance

7. Availability of the contract for shipment of regulated articles \_\_\_\_\_  
Yes/No

8. Shipments schedule \_\_\_\_\_  
yes/no

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print full name)

Seal (if available)

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END UNOFFICIAL TRANSLATION